IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 24449 of 2006(I)

PETITIONER:

SAJU JOSEPH, LECTURER SENIOR SCALE,
DEPARTMENT OF ENGLISH, ST.DOMINIC'S COLLEGE,
KANJIRAPPALLY, PARATHODE P.O., KOTTAYAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO GOVERNMENT, HIGHER EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOTTAYAM.

3. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PRIYADARSHINI HILLS, KOTTAYAM.

R1 & R2 BY GOVT. PLEADER SRI. T.T. MUHAMMED.
R3 BY SC SRI. V.A. MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C. 24449/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE ORDER NO.A.C. BV-(4)/191/04 DATED 25.4.2005.

EXT. P2 : TRUE COPY OF THE ORDER NO.:G2-5368/05 DATED 14.12.2005.

EXT. P3 : TRUE COPYOF THE ORDER G.O.(MS) NO. 209/96/H.EDN. DATED 24.12.1996.

EXT. P4 : TRUE COPY OF THE ORDER NO.AC.B.V-1-798-05 DATED 19.12.2005.

K.M.JOSEPH, J.

- -

WP.(C) No.24449 OF 2006

- -

Dated this the 8th day of December, 2006.

JUDGMENT

Case of the petitioner is that petitioner was placed in the senior scale and the Syndicate by Ext.P1 order approved provisionally promotion of the petitioner as Lecturer Senior Scale with effect from 27.11.2000. The Deputy Director raised Ext.P2 objection. It would appear that the objection is that the broken period of service is less than one year and it cannot be considered for promotion. The contention of the petitioner is based on the decision of this court reported in **Jayaprasad v. State of Kerala** (2003(2) K.L.J. 189).

2. Heard learned Government Pleader also. The writ petition is disposed of as follows:

The second respondent will place his objection to Ext.P1 before the third respondent within a period of one month from the date of receipt of a copy of this judgment. Thereupon, the third respondent will consider each and every objection of the second respondent meticulously and pass a reasoned order. The order shall be communicated to the petitioner and the second respondent. If the

decision of the third respondent is to reiterate Ext.P1, the matter would be governed by the decision of this court reported in **Cherian Mathew v. Principal, S.B.College, Changanassery** (1998(2) K.L.T. 144) and the monetary benefits due to the petitioner shall be paid without any further delay.

(K.M. JOSEPH, JUDGE)

sb

K.M.JOSEPH, JJ.

- - - - - - - - -- -

W.A. No. OF

- -- - - - - - - - - - - - - - -

JUDGMENT

Dated this the day of February, 2006.